

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

PAUL E. CHARLEY	§	
v.	§	CIVIL ACTION NO. 6:12cv494
JASON BROWN	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ORDER OF ADMINISTRATIVE CLOSING

The Plaintiff Paul Charley, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

At the time Charley filed his lawsuit, he was in the Texas penitentiary, but has since been sent to Dallas County, apparently on a bench warrant. Because Dallas County is outside of the Eastern District of Texas, the Court has no way to secure Charley's presence for a hearing or trial. *See Pennsylvania Bureau of Corrections v. United States Marshals Service*, 106 S.Ct. 355, 359 (1985); *United States v. \$64,000.00 in U.S. Currency*, 722 F.2d 239, 246 (5th Cir. 1984). The Magistrate Judge therefore recommended that the lawsuit be administratively closed until such time as Charley notifies the Court that he has been released from confinement or transferred back to the custody of the Texas Department of Criminal Justice, Correctional Institutions Division and is prepared to continue his lawsuit.

No objections have been filed to this Report; accordingly, the parties are barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal

conclusions accepted and adopted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the record in this case and the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly


ORDERED that the Report of the Magistrate Judge (docket no. 37) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is **ADMINISTRATIVELY CLOSED** and placed on an inactive docket for administrative and statistical purposes. This case shall be reopened at such time as the Plaintiff Paul Charley notifies the Court that he has been released from confinement or transferred back into the custody of the Texas Department of Criminal Justice, Correctional Institutions Division and is ready to proceed with his lawsuit. The administrative closing of this case shall not affect the substantive rights of any party thereto. It is further

ORDERED that no motions or other documents may be filed in this case, until such time as the case is reopened, except for notices of changes of address, a motion for voluntary dismissal of the lawsuit, or a motion to reopen the case. Any other motions or other documents may be returned by the Clerk unfiled or stricken from the docket.

It is SO ORDERED.

SIGNED this 24th day of April, 2014.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE